



ASIA WATCH

□ 485 Fifth Avenue, New York, NY 10017 TEL (212) 972-8400 FAX (212) 972-0905
 □ 1522 K Street, NW, Suite 910, Washington, DC 20005 TEL (202) 371-6592 FAX (202) 371-0124

August 9, 1990

JACK GREENBERG
Chairman

MATTHEW NIMETZ
Vice Chairman

NADINE STROSSEN
Vice Chairman

SIDNEY R. JONES
Executive Director

PATRICIA A. GOSSMAN
ROBIN MUNRO
JI WON PARK
Research Associates

SUSAN OSNOS
Press Director

COMMITTEE

Floyd Abrams
Edward J. Baker
Robert L. Bernstein
Tom A. Bernstein
Julie Brill
Jerome A. Cohen
Adrian W. DeWind
Clarence Dias
Dolores A. Donovan
Timothy A. Gelatt
Adrienne Germain
Merle Goldman
Deborah M. Greenberg
Charles Halpern
David Hawk
Liang Heng
Jeri Laber
Virginia Leary
Subha Narasimhan
Amit Pandya
Dith Pran
Harriet Rabb
Stephen A. Rickard
Sheila Rothman
Barnett Rubin
Orville Schell
James Scott
Judith Shapiro
Sophie C. Silberberg

EAST TIMOR:

STATEMENT TO THE UNITED NATIONS SPECIAL COMMITTEE ON DECOLONIZATION

We believe the human rights situation in East Timor remains cause for grave concern and that an examination of the ongoing abuses there must inform the Committee's deliberations on the future status of East Timor. Those abuses consist of summary executions by members of the Indonesian armed forces; arbitrary arrest; torture and other forms of physical abuse during interrogation; and severe restrictions on the rights to freedom of expression and freedom of assembly.

Summary Executions

East Timorese suspected of aiding the armed resistance to Indonesian rule are subject to arrest, torture and in some cases, summary execution. In one well-documented case, eight Indonesian soldiers, apparently from the 86th Detachment of KOPASSUS, the Indonesian special forces, detained a man named Candido Amaral, 39, in Lalerek Mutin on March 28, 1990. He was reportedly interrogated by Indonesian soldiers and tortured by a Timorese named Paulo Miguel. The following day, March 29, he was taken out at 5 a.m. and executed in Tua-Metan. Thirty-one people from Lalerek Mutin then fled to the district military headquarters (KODIM) in Viqueque, apparently in fear of further abuses by the soldiers operating in Lalerek Mutin. The Baucau-based commander of those men, one Major Jecky, told East Timor Governor Mario Carrascalao that the soldiers responsible for the torture and execution would be punished and the family of Candido Amaral would be given compensation. If this kind of abuse is to be prevented, it is essential that the case be thoroughly investigated and all those involved in Amaral's death be prosecuted and punished.

Candido Amaral was not the only victim in the

Asia Watch is an affiliate of Human Rights Watch

Robert L. Bernstein, Chairman • Adrian W. DeWind, Vice Chairman

Aryeh Neier, Executive Director • Kenneth Roth, Deputy Director • Holly J. Burkhalter, Washington Director

village of Lalerek-Mutin.¹ Several other men, including Antero Carvalho, aged 50, and Sebastiao dos Reis, were reportedly detained and tortured by soldiers of army battalion 408 on suspicion of having had contact with Fretilin guerrillas² or supplying them with food through Candido Amaral. Carvalho was held for two days and is said to have been forced to "confess" to such contacts.

Torture and Forced Confessions

Indonesian security forces, whether police or military, routinely use torture or other forms of pressure to extract admissions of guilt from suspects. It is not a practice confined to remote areas of East Timor; it is equally prevalent in Indonesian police stations in Jakarta or Medan. But at least in major cities, families can complain to the press or to local human rights organizations and very occasionally force the prosecution of the soldiers or police involved. East Timorese have no such recourse, and if the soldiers responsible for the death of Amaral or the torture of Carvalo and dos Reis are in fact convicted, it will be the first time, to Asia Watch's knowledge, that any member of the Indonesian military has been found guilty of a human rights offense in East Timor.

Another case of arbitrary arrest, beatings and forced confession took place following the papal visit on October 12, 1989. A small nationalist demonstration erupted at the end of the Pope's final mass in Dili. According to two priests of the Don Bosco Secondary School in Fatumaka, outside Dili, some of their students were brought to a police station after the demonstration. They were beaten, one of them severely, and forced to admit that the two priests had instigated the demonstration.³

Further arrests, interrogation and beatings took place after a demonstration organized by the pro-Indonesian political party Apodeti against East Timor's outspoken human rights advocate, Bishop Carlos Ximenes Belo on November 4, 1989. Six students,

¹ Lalerek-Mutin consists largely of people resettled from the village of Kraras, Viqueque, the site in August 1983 of a massive retaliatory massacre by Indonesian soldiers after a group of army engineers were killed in a Fretilin attack. Many of those resettled reportedly died in the first few years from starvation and disease.

² Fretilin is an acronym for Frente Revolucionaria de Timor Leste Independente or Revolutionary Front for an Independent East Timor. Originally the political party which declared East Timor independent in 1975, it came to constitute the only armed resistance in the territory following the Indonesian military invasion in December 1975.

³ See Asia Watch, Injustice, Persecution, Eviction, March 1990, p.77.

detained for questioning after a counterdemonstration broke out, were interrogated not in a police station but in buildings apparently owned and run by the military: Wisma Senopati II, a military guest house, and PT Nusra Bakti, a military-owned business. According to the Indonesian Criminal Procedure Code, an interrogator can only be a police officer, not a soldier.

Relatively few political detainees are held for lengthy periods or tried. A report published by the International Committee of the Red Cross said that its representatives had visited 54 people detained on security grounds between January and March 1990 in five separate detention centers; 19 of the 54 were visited for the first time.⁴ It would be instructive to know what kind of legal counsel the 54 had or have and whether any of them entered a plea of not guilty. In the past, anyone arrested and formally charged was intimidated into pleading guilty.

Among the long-term East Timorese prisoners are six men held in Cipinang Prison in Jakarta who are serving sentences of 12 to 17 years. Two of them, Albino Lourdes and Roberto Geronimo Miranda, are in need of outside medical treatment which they have not received. All six, by virtue of being detained so far from their homes, are denied the opportunity of regular family visits. The Indonesian government has thus far denied requests from numerous humanitarian organizations that the six be transferred back to Dili to be closer to friends and relatives.⁵

Long-term detention may have become the exception rather than the rule in East Timor, but more East Timorese may be subject to short-term arbitrary detention than in the past. Preventive detention can take place before an important anniversary or visit by a prominent official; a small demonstration can lead to widespread arrests afterwards. And if detention is often of relatively short duration, it should be remembered that even a few hours is long enough for serious abuse to occur.

Restrictions on Freedom of Expression and Assembly

East Timorese have virtually no freedom to voice their opinion on certain topics or gather in large groups. Criticism of the Indonesian government or its policies in East Timor is generally off-limits, not only to East Timorese but to Indonesians. On April 19, 1990, a seminar open to the press was to be held in Dili on a report prepared by a team from Gajah Mada University in Yogyakarta. The report, about socioeconomic

⁴ International Committee of the Red Cross, Bulletin, No. 172, May 1990.

⁵ The six are David Dias Ximenes, Mario Bonaparte Soares, Albino Lourdes, Ze Roberto Geronimo Miranda, Domingo Seixas and Marito dos Reis.

development in East Timor, stressed how the armed forces had reached " 'overdose' proportions". It warned about the growing level of "civil discontent" and noted that "the official political channels which should serve as the people's mouthpiece are not functioning." Finally, it said, even though the Indonesian government considered the question of decolonization closed, "East Timorese society does not see it in that light." At the last minute, the press was stopped from attending, the seminar was restricted to senior officials and army officers, and the team which prepared the report was reportedly asked to delete sensitive sections.

Demonstrations in East Timor take place with greater frequency now but the Indonesian military authorities continue to show their intolerance for freedom of assembly by responding with force. The brutal way in which security forces broke up the peaceful demonstration in front of Hotel Turismo on January 17, 1990 on the occasion of a visit by American ambassador to Indonesia John Monjo is one example. As soon as Ambassador Monjo left the hotel, the students were clubbed and beaten by soldiers and police as hotel guests watched.

Arbitrary Deprivation of Civil Rights

Asia Watch is also concerned by reports, as yet unconfirmed, of Indonesian security forces forcing civilians to take part in hostilities. One report stated that on March 29, 1989 the sub-district commander of Luro had civilian guards called wanra arrest four men (Afonso dos Santos, Paulo dos Santos, Norberto Correia and Joao Pereira) and take them as guides on military operations. Asia Watch is not aware of any law in Indonesia authorizing its armed forces to forcibly conscript civilians in this manner and believes this practice arbitrarily deprives East Timorese concerned of their civil rights.

A more recent report said that in March 1990 in the Viqueque village of Lalerek Mutin, Indonesian soldiers occupied the homes of two women named Teresa Amaral and Cristina Brandao whose husbands were believed to be with Fretilin and subjected the women to continual harassment and sexual abuse. Asia Watch does not ordinarily cite unconfirmed reports but at least one part of the report on Lalerek Mutin has been independently verified by two other sources. Moreover, using wives as virtual hostages to force their husbands to surrender has been a practice of the Indonesian military in East Timor since the beginning of the invasion. We believe the Indonesian government has a responsibility to fully investigate this report, protect the women from further abuse, and prosecute the soldiers involved if the allegations prove accurate.

Conclusions

Human rights violations in East Timor are clearly continuing. Asia Watch urges the Committee to follow closely the events there. It would be useful, for example, if the Committee monitored the progress of the prosecution in the case of the

soldiers accused in the death of Candido Amaral and if it were to send an observer to any trial which may take place as a result. Asia Watch also urges the Committee to obtain a copy of the report prepared by the team from Gajah Mada University (the unexpurgated version) so that the authors' findings with regard to social tensions in East Timor today can also inform the Committee's deliberations on the future political status of East Timor.